

CLOSED, COUCH, _CS

**U.S. District Court
Western District of Oklahoma[LIVE] (Oklahoma City)
CIVIL DOCKET FOR CASE #: 5:08-cv-00249-L**

APMC Inc v. Fogarty et al
Assigned to: Honorable Tim Leonard
Case in other court: 08-06208
Cause: 42:1983 Civil Rights Act

Date Filed: 03/07/2008
Date Terminated: 12/11/2008
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

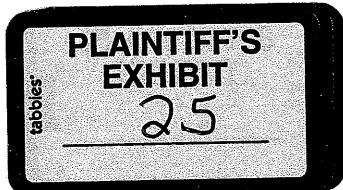
APMC Inc
doing business as
A Plus Medical of Oklahoma

represented by **Aletia Haynes Timmons**
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V.

Defendant

Michael Fogarty
in his official capacity as Chief Executive Officer of the Oklahoma Health Care Authority

represented by **Christopher J Bergin**
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Defendant

Michael Fogarty
in his individual capacity

represented by **Christopher J Bergin**
(See above for address)
ATTORNEY TO BE NOTICED

Nicole M Nantois
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Lynn Mitchell
MD, in her official capacity as State Medicaid Director

represented by **Christopher J Bergin**
(See above for address)
ATTORNEY TO BE NOTICED

Nicole M Nantois

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Lynn Mitchell
MD, in her individual capacity

represented by **Christopher J Bergin**
(See above for address)
ATTORNEY TO BE NOTICED

Nicole M Nantois
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Kelly Shropshire
*in his official capacity as Auditor for
the Oklahoma Health Care Authority*

represented by **Christopher J Bergin**
(See above for address)
ATTORNEY TO BE NOTICED

Nicole M Nantois
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Kelly Shropshire
in his individual capacity

represented by **Christopher J Bergin**
(See above for address)
ATTORNEY TO BE NOTICED

Nicole M Nantois
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/07/2008	<u>1</u>	COMPLAINT.(Attachments: # <u>1</u> Civil Cover Sheet)(lb) (Entered: 03/07/2008)
03/07/2008		Summons Issued as to Michael Fogarty(in his official capacity as Chief Executive Officer of the Oklahoma Health Care Authority), Michael Fogarty (in his individual capacity), Lynn Mitchell(MD, in her official capacity as State Medicaid Director), Lynn Mitchell(MD, in her individual capacity), Kelly Shropshire(in his official capacity as Auditor for the Oklahoma Health Care Authority), Kelly Shropshire(in his individual capacity). (lb) (Entered: 03/07/2008)
03/07/2008	<u>2</u>	Receipt for Money Received from Crowe & Dunlevy in the amount of \$350.00, Receipt #126590. (lb) (Entered: 03/10/2008)
03/10/2008	<u>3</u>	RECUSAL ORDER. Signed by Honorable Stephen P. Friot on 3/10/08. (llg) (Entered: 03/10/2008)
03/10/2008	<u>4</u>	ENTER ORDER REASSIGNING CASE. Case reassigned to Honorable Tim

		Leonard for all further proceedings. Honorable Stephen P. Friot no longer assigned to case. Entered at the direction of Honorable Stephen P. Friot on 3/10/08. (llg) (Entered: 03/10/2008)
03/10/2008	<u>5</u>	ENTRY of Appearance by Kevin D Gordon on behalf of APMC Inc (Gordon, Kevin) (Entered: 03/10/2008)
03/10/2008	<u>6</u>	ENTRY of Appearance by Rustin J Strubhar on behalf of APMC Inc (Strubhar, Rustin) (Entered: 03/10/2008)
03/10/2008	<u>7</u>	DEMAND for Trial by Jury by APMC Inc. (Gordon, Kevin) (Entered: 03/10/2008)
03/10/2008	<u>8</u>	DISCLOSURE STATEMENT - CORPORATE by APMC Inc. (Gordon, Kevin) (Entered: 03/10/2008)
03/10/2008	<u>9</u>	ENTRY of Appearance by D Kent Meyers on behalf of APMC Inc (Meyers, D) (Entered: 03/10/2008)
03/12/2008	<u>10</u>	ENTRY of Appearance by Aletia Haynes Timmons on behalf of APMC Inc (Timmons, Aletia) (Entered: 03/12/2008)
03/13/2008	<u>11</u>	SUMMONS Returned Executed by APMC Inc. Michael Fogarty(in his official capacity as Chief Executive Officer of the Oklahoma Health Care Authority) served on 3/10/2008. (Gordon, Kevin) (Entered: 03/13/2008)
03/13/2008	<u>12</u>	SUMMONS Returned Executed by APMC Inc. (Gordon, Kevin) (Entered: 03/13/2008)
03/13/2008	<u>13</u>	SUMMONS Returned Executed by APMC Inc. Lynn Mitchell(MD, in her official capacity as State Medicaid Director) served on 3/10/2008. (Gordon, Kevin) (Entered: 03/13/2008)
03/13/2008	<u>14</u>	SUMMONS Returned Executed by APMC Inc. (Gordon, Kevin) (Entered: 03/13/2008)
03/13/2008	<u>15</u>	SUMMONS Returned Executed by APMC Inc. Kelly Shropshire(in his official capacity as Auditor for the Oklahoma Health Care Authority) served on 3/10/2008. (Gordon, Kevin) (Entered: 03/13/2008)
03/13/2008	<u>16</u>	SUMMONS Returned Executed by APMC Inc. (Gordon, Kevin) (Entered: 03/13/2008)
03/31/2008	<u>17</u>	ENTRY of Appearance by Christopher J Bergin on behalf of Michael Fogarty (in his official capacity as Chief Executive Officer of the Oklahoma Health Care Authority), Michael Fogarty(in his individual capacity), Lynn Mitchell (MD, in her official capacity as State Medicaid Director), Lynn Mitchell(MD, in her individual capacity), Kelly Shropshire(in his official capacity as Auditor for the Oklahoma Health Care Authority), Kelly Shropshire(in his individual capacity) (Bergin, Christopher) (Entered: 03/31/2008)
03/31/2008	<u>18</u>	MOTION to Dismiss by Michael Fogarty(in his official capacity as Chief Executive Officer of the Oklahoma Health Care Authority), Michael Fogarty (in his individual capacity), Lynn Mitchell(MD, in her official capacity as State Medicaid Director), Lynn Mitchell(MD, in her individual capacity),

		Kelly Shropshire(in his official capacity as Auditor for the Oklahoma Health Care Authority), Kelly Shropshire(in his individual capacity). (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Bergin, Christopher) (Additional attachment(s) added on 4/8/2008: # <u>6</u> Exhibit 1 - Deletion) (jy,). (Entered: 03/31/2008)
04/04/2008	<u>19</u>	MOTION to Strike <i>Exhibit 1 and Request Leave of Court to File Corrected Exhibit 1</i> by Michael Fogarty(in his official capacity as Chief Executive Officer of the Oklahoma Health Care Authority), Michael Fogarty(in his individual capacity), Lynn Mitchell(MD, in her official capacity as State Medicaid Director), Lynn Mitchell(MD, in her individual capacity), Kelly Shropshire(in his official capacity as Auditor for the Oklahoma Health Care Authority), Kelly Shropshire(in his individual capacity). (Bergin, Christopher) (Entered: 04/04/2008)
04/08/2008	<u>20</u>	ORDER granting <u>19</u> Defendants' Motion to Strike Exhibit 1 and Request Leave of Court to File Corrected Exhibit 1. Clerk is directed to delete Exhibit 1 to <u>18</u> Defendants' MOTION to Dismiss. Defendants to file substitute Exhibit 1 within two days of the date of this order. Signed by Honorable Tim Leonard on 04/08/08. (jy,) (Entered: 04/08/2008)
04/10/2008	<u>21</u>	AMENDED DOCUMENT by Michael Fogarty(in his official capacity as Chief Executive Officer of the Oklahoma Health Care Authority), Michael Fogarty(in his individual capacity), Lynn Mitchell(MD, in her official capacity as State Medicaid Director), Lynn Mitchell(MD, in her individual capacity), Kelly Shropshire(in his official capacity as Auditor for the Oklahoma Health Care Authority), Kelly Shropshire(in his individual capacity). <i>Defendants' Corrected Exhibit 1 to Defendants' Motion to Dismiss.</i> (Attachments: # <u>1</u> Exhibit 1)(Bergin, Christopher) (Entered: 04/10/2008)
04/11/2008	<u>22</u>	UNOPPOSED MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION to Dismiss by APMC Inc. (Gordon, Kevin) (Entered: 04/11/2008)
04/14/2008	<u>23</u>	ORDER granting <u>22</u> Motion for Extension of Time to File Response/Reply re <u>18</u> MOTION to Dismiss. Response due by 4/28/2008. Signed by Honorable Tim Leonard on 04/14/08. (jy,) (Entered: 04/14/2008)
04/28/2008	<u>24</u>	RESPONSE in Opposition re <u>18</u> MOTION to Dismiss filed by APMC Inc. (Gordon, Kevin) (Entered: 04/28/2008)
05/07/2008	<u>25</u>	MOTION for Extension of Time to File Response/Reply to Plaintiff's Response to Defendants' Motion to Dismiss by all defendants. (Bergin, Christopher) (Entered: 05/07/2008)
05/09/2008	<u>26</u>	ORDER granting <u>25</u> Motion for Extension of Time to File Response/Reply re <u>18</u> MOTION to Dismiss. Reply due by 5/16/2008. Signed by Honorable Tim Leonard on 05/09/08. (jy,) (Entered: 05/09/2008)
05/16/2008	<u>27</u>	REPLY to Response to Motion re <u>18</u> MOTION to Dismiss filed by all defendants. (Bergin, Christopher) (Entered: 05/16/2008)
05/19/2008	<u>28</u>	MOTION for Leave to File Supplemental Brief in Response to Defendants'

		<i>Motion to Dismiss</i> by APMC Inc. (Gordon, Kevin) (Entered: 05/19/2008)
05/21/2008	<u>29</u>	ORDER granting <u>28</u> Plaintiff's Motion for Leave to File a Supplemental Brief in Response to Defendants' Motion to Dismiss, not to exceed 10 pages, no later than 06/02/08. Signed by Honorable Tim Leonard on 05/21/08. (jy,) (Entered: 05/21/2008)
06/02/2008	<u>30</u>	SURREPLY re <u>27</u> Reply to Response to Motion <i>to Dismiss</i> filed by APMC Inc. (Gordon, Kevin) (Entered: 06/02/2008)
06/10/2008	<u>31</u>	NOTICE OF RELATED OR COMPANION CASE by all defendants (Bergin, Christopher) (Entered: 06/10/2008)
06/13/2008	<u>32</u>	RESPONSE re <u>31</u> Notice of Related or Companion Case filed by APMC Inc. (Attachments: # <u>1</u> Exhibit 1 - Ltr dated 1-7-08 from Shropshire, # <u>2</u> Exhibit 2 - Ltr dated 4-15-08 from Shropshire)(Gordon, Kevin) (Entered: 06/13/2008)
06/17/2008	<u>33</u>	MOTION for Leave <i>to File Exhibits to Motion for Preliminary Injunction Under Seal</i> by APMC Inc. (Gordon, Kevin) (Entered: 06/17/2008)
06/18/2008	<u>34</u>	ENTRY of Appearance by Alison M Howard on behalf of APMC Inc (Howard, Alison) (Entered: 06/18/2008)
06/19/2008	<u>35</u>	ORDER granting <u>33</u> Plaintiff's Motion for Leave to File Exhibits to Motion for Preliminary Injunction Under Seal. Signed by Honorable Tim Leonard on 06/19/08. (jy,) (Entered: 06/19/2008)
06/20/2008	<u>36</u>	NOTICE of Conventional Filing <i>of Exhibits to Plaintiff's Motion for Injunction</i> by Kevin D Gordon on behalf of APMC Inc (Gordon, Kevin) (Entered: 06/20/2008)
06/20/2008	<u>37</u>	MOTION for Preliminary Injunction <i>and Permanent Injunction</i> by APMC Inc. (Attachments: # <u>1</u> Exhibit Ex 1-A Contract 7-30-99, # <u>2</u> Exhibit Ex 1-B Contract 12-1-04, # <u>3</u> Exhibit Ex 1-C Contract 12-20-07, # <u>4</u> Exhibit Ex 2 Calloway Affidavit, # <u>5</u> Exhibit Ex 3 Customer Surveys, # <u>6</u> Exhibit Ex 4 Ltr from Bergin dated 11-29-07, # <u>7</u> Exhibit Ex 5 List of Customer Files provided 9-11-07, # <u>8</u> Exhibit Ex 6 Subpoena dated 9-29-07, # <u>9</u> Exhibit Ex 7 List of Customer Files provided 9-1-07, # <u>10</u> Exhibit Ex 8 Ltr from Mitchell dated 1-25-07, # <u>11</u> Exhibit Ex 9 Ltr from APlus dated 11-14-07, # <u>12</u> Exhibit Ex 10 Ltr from Mitchell dated 11-21-07, # <u>13</u> Exhibit Ex 11 Ltr from Fogarty dated 12-20-07, # <u>14</u> Exhibit Ex 12 Ltr from Mitchell dated 1-9-08, # <u>15</u> Exhibit Ex 13 Ltr from Customer dated 1-19-07 and Ltr from APlus dated 1-16-07, # <u>16</u> Exhibit Ex 14 Ltr from Shropshire dated 1-7-08, # <u>17</u> Exhibit Ex 15 Ltr from Gordon dated 1-15-08, # <u>18</u> Exhibit Ex 16 Ltr from Bergin dated 1-16-08, # <u>19</u> Exhibit Ex 17 Sparks Audit Report, # <u>20</u> Exhibit Ex 18 Ltr from Gordon dated 2-15-08, # <u>21</u> Exhibit Ex 19 Ltr from Shropshire dated 4-15-08, # <u>22</u> Exhibit Ex 20 Ltr from Chase Bank dated 5-13-08)(Gordon, Kevin) (Entered: 06/20/2008)
06/20/2008	<u>38</u>	SEALED DOCUMENT by APMC Inc. (Exhs 3, 5, 6, 7, 9, 13, 14 and 17 to Plf's Mtn Prel Inj) (ap,) (Entered: 06/23/2008)
07/07/2008	<u>39</u>	MOTION to Continue <i>Plaintiff's Motion for Preliminary and Permanent Injunction</i> by all defendants. (Bergin, Christopher) (Entered: 07/07/2008)

07/08/2008	<u>40</u>	ORDER denying <u>39</u> Defendants' Opposed Motion for Continuance of Plaintiff's Motion for Preliminary and Permanent Injunction. Defendants granted an additional 15 days from the date of this order to respond to Plaintiff's Motion for Preliminary and Permanent Injunction. Signed by Honorable Tim Leonard on 07/08/08. (jy,) (Entered: 07/08/2008)
07/23/2008	<u>41</u>	REPLY to Response to Motion re <u>37</u> MOTION for Preliminary Injunction and Permanent Injunction filed by all defendants. (Bergin, Christopher) (Entered: 07/23/2008)
08/04/2008	<u>42</u>	REPLY to Response to Motion re <u>37</u> MOTION for Preliminary Injunction and Permanent Injunction filed by APMC Inc. (Attachments: # <u>1</u> Exhibit 21-Supplementary Affidavit of Michael Calloway)(Gordon, Kevin) (Entered: 08/04/2008)
09/12/2008	<u>43</u>	ORDER granting in part and denying in part <u>18</u> Defendants' Motion to Dismiss. The motion is granted with respect to plaintiff's 1983 claims against defendant Fogarty, without prejudice. Pursuant to plaintiff's request, Count V of the complaint is stricken. In all other respects the motion is denied. Signed by Honorable Tim Leonard on 09/12/08. (jy,) (Entered: 09/12/2008)
09/12/2008	<u>44</u>	ENTER ORDER re <u>37</u> MOTION for Preliminary Injunction and Permanent Injunction filed by APMC Inc. Evidentiary Hearing set for 10/2/2008 10:00 AM in Courtroom #502 before Honorable Tim Leonard. Signed by Honorable Tim Leonard on 09/12/08. (jy,) (Entered: 09/12/2008)
09/17/2008	<u>45</u>	NOTICE to Take Deposition of Melissa Clampitt; Natasha Case by APMC Inc. (Attachments: # <u>1</u> Exhibit 1 Subpoenaed Documents)(Gordon, Kevin) (Entered: 09/17/2008)
09/17/2008	<u>46</u>	NOTICE to Take Deposition of Custodian of Records, Michael Fogarty, Kelly Shropshire and Lynn Mitchell, M.D. by APMC Inc. (Attachments: # <u>1</u> Exhibit 1 Subpoenaed Documents)(Gordon, Kevin) (Entered: 09/17/2008)
09/19/2008	<u>47</u>	MOTION to Stay Case by Lynn Mitchell(MD, in her official capacity as State Medicaid Director), Lynn Mitchell(MD, in her individual capacity), Kelly Shropshire(in his official capacity as Auditor for the Oklahoma Health Care Authority), Kelly Shropshire(in his individual capacity). (Bergin, Christopher) (Entered: 09/19/2008)
09/19/2008	<u>48</u>	NOTICE OF APPEAL by Lynn Mitchell(MD, in her official capacity as State Medicaid Director), Lynn Mitchell(MD, in her individual capacity), Kelly Shropshire(in his official capacity as Auditor for the Oklahoma Health Care Authority), Kelly Shropshire(in his individual capacity). (Bergin, Christopher) (Entered: 09/19/2008)
09/19/2008	<u>49</u>	USCA Appeal Fee received in the amount of \$ 455, receipt number 129850, re <u>48</u> Notice of Appeal, filed by Kelly Shropshire, Lynn Mitchell (ap,) (Entered: 09/22/2008)
09/22/2008	<u>50</u>	Transmission of Notice of Appeal to US Court of Appeals re <u>48</u> Notice of Appeal, (ap,) (Entered: 09/22/2008)
09/22/2008	<u>51</u>	RESPONSE in Opposition re <u>47</u> MOTION to Stay Case filed by APMC Inc.

		(Gordon, Kevin) (Entered: 09/22/2008)
09/22/2008	<u>52</u>	ORDER directing plaintiff to file an expedited response to <u>47</u> MOTION to Stay Case filed by Kelly Shropshire, Lynn Mitchell, no later than 4:00 p.m. on 09/24/08. Signed by Honorable Tim Leonard on 09/22/08. (jy,) (Entered: 09/22/2008)
09/23/2008	<u>53</u>	USCA Case Number 08-6208 for <u>48</u> Notice of Appeal, filed by Kelly Shropshire, Lynn Mitchell. (Attachments: # <u>1</u> Preliminary Record and Docket Sheet)(ap,) (Entered: 09/23/2008)
09/24/2008	<u>54</u>	ORDER denying <u>47</u> Motion to Stay Case. Signed by Honorable Tim Leonard on 09/24/08. (jy,) (Entered: 09/24/2008)
09/26/2008	<u>55</u>	MOTION to Quash <i>Plaintiff's Notices and Subpoenas for Depositions</i> by Lynn Mitchell(MD, in her official capacity as State Medicaid Director), Lynn Mitchell(MD, in her individual capacity), Kelly Shropshire(in his official capacity as Auditor for the Oklahoma Health Care Authority), Kelly Shropshire(in his individual capacity). (Attachments: # <u>1</u> Exhibit LETTER OF 09/22/08)(Bergin, Christopher) (Entered: 09/26/2008)
09/26/2008	<u>56</u>	MOTION for Extension of Time to File Answer by Lynn Mitchell(MD, in her official capacity as State Medicaid Director), Lynn Mitchell(MD, in her individual capacity), Kelly Shropshire(in his official capacity as Auditor for the Oklahoma Health Care Authority), Kelly Shropshire(in his individual capacity). (Bergin, Christopher) (Entered: 09/26/2008)
09/29/2008	<u>57</u>	RESPONSE in Opposition re <u>55</u> MOTION to Quash <i>Plaintiff's Notices and Subpoenas for Depositions and Brief in Support of Motion to Compel</i> filed by APMC Inc. (Attachments: # <u>1</u> Exhibit 1-Notices of Deposition and Subpoenas, # <u>2</u> Exhibit 2-Letter from Kevin Gordon dated 9-17-08, # <u>3</u> Exhibit 3-Letter from Chris Bergin dated 9-22-08, # <u>4</u> Exhibit 4-Letter from Kevin Gordon dated 9-22-08, # <u>5</u> Exhibit 5-Letter from Kevin Gordon dated 3-14-08)(Gordon, Kevin) (Entered: 09/29/2008)
09/29/2008	<u>58</u>	MOTION to Compel <i>Noticed and Subpoenaed Discovery</i> by APMC Inc. (Gordon, Kevin) (Entered: 09/29/2008)
09/29/2008	<u>59</u>	UNOPPOSED MOTION to Continue <i>Evidentiary Hearing on Plaintiff's Motion for Injunction</i> by APMC Inc. (Gordon, Kevin) (Entered: 09/29/2008)
09/29/2008	<u>60</u>	ORDER granting <u>56</u> Motion for Extension of Time to Answer re <u>1</u> Complaint. Defendants, including Fogarty, are granted to 10-03-08 to answer the Complaint. Signed by Honorable Tim Leonard on 09/29/08. (jy,) (Entered: 09/29/2008)
09/29/2008	<u>61</u>	ORDER granting <u>59</u> Plaintiff's Unopposed Motion to Continue the Evidentiary Hearing on Plaintiff's Motion for Injunction. Court will reset hearing after ruling on Defendants' Motion to Quash and Plaintiff's Motion to Compel is issued. Signed by Honorable Tim Leonard on 09/29/08. (jy,) (Entered: 09/29/2008)
09/29/2008		Hearing deadline terminated. (jy,) (Entered: 09/29/2008)

09/29/2008	<u>62</u>	DESIGNATION of Record on Appeal by all defendants re <u>48</u> Notice of Appeal, (Attachments: # <u>1</u> Exhibit Docket Sheet from Clerk)(Bergin, Christopher) (Entered: 09/29/2008)
09/29/2008	<u>63</u>	TRANSCRIPT Order Form by all defendants that transcripts ARE NOT necessary. See order form for dates and proceedings. (Bergin, Christopher) (Entered: 09/29/2008)
09/29/2008	<u>64</u>	ENTER ORDER re <u>58</u> MOTION to Compel <i>Noticed and Subpoenaed Discovery</i> filed by APMC Inc, <u>55</u> MOTION to Quash <i>Plaintiff's Notices and Subpoenas for Depositions</i> filed by Kelly Shropshire, Lynn Mitchell. Hearing set for 10/3/2008 11:00 AM in Courtroom #502 Honorable Tim Leonard. Signed by Honorable Tim Leonard on 09/29/08. (jy,) (Entered: 09/29/2008)
09/30/2008	<u>65</u>	TRANSCRIPT LETTER advising that transcripts are not necessary re <u>48</u> Notice of Appeal, filed by Kelly Shropshire, Lynn Mitchell. The record is ready for appeal purposes. (ap,) (Entered: 09/30/2008)
10/02/2008	<u>66</u>	ANSWER to Complaint by all defendants.(Bergin, Christopher) (Entered: 10/02/2008)
10/03/2008	<u>67</u>	ENTRY of Appearance by Christopher J Bergin on behalf of all defendants (Bergin, Christopher) (Entered: 10/03/2008)
10/03/2008		Docket Annotation: The EOA of Nicole M Nantais, Doc #67, filed this date, is stricken as the filer was Christopher Bergin. Counsel to refile under her name. (ap,) (Entered: 10/03/2008)
10/03/2008	<u>68</u>	ENTRY of Appearance by Nicole M Nantais on behalf of all defendants (Nantais, Nicole) (Entered: 10/03/2008)
10/03/2008	<u>69</u>	Minute Entry for proceedings held before Honorable Tim Leonard: Motion Hearing held on 10/3/2008 re <u>58</u> MOTION to Compel <i>Noticed and Subpoenaed Discovery</i> filed by APMC Inc, <u>55</u> MOTION to Quash <i>Plaintiff's Notices and Subpoenas for Depositions</i> filed by Kelly Shropshire, Lynn Mitchell. Court denies the Defendants' Motion to Quash Plaintiff's Notice and Subpoenas for Deposition and grants Plaintiff's Motion to Compel. Court orders discovery on issues in regard to request for injunctive relief. Court directs defendants' counsel to provide written discovery to plaintiff's counsel by 10/17/08. Parties have until 10/31/08 to complete discovery. The evidentiary hearing is to be set in November, the end of the 2nd week or some time during the 3rd week of the month. Court will issue a scheduling order providing for an April 1, 2009 discovery cutoff which will place this case on this court's July 2009 trial docket. (Court Reporter Alana LaGrow.) (jy,) (Entered: 10/03/2008)
10/03/2008	<u>70</u>	SCHEDULING ORDER: Motions to join due 03/02/09; Motions to amend due 03/02/09; Pla expert witness list and expert reports due 02/16/09; Dft expert witness list and expert reports due 03/02/09; Pla witness list due 03/02/09; Dft witness list due 03/16/09; Pla exhibit list due 03/02/09; Dft exhibit list due 03/16/09; Motions in limine due 06/15/09; Jury instructions due 06/15/09; Voir dire requests due 06/15/09; Proposed Findings of Fact and Conclusions due 06/15/09; Discovery due by 4/1/2009. Jury Trial set for trial

		docket beginning the week of 7/13/2009 in Courtroom #502 before Honorable Tim Leonard. Dispositive and Daubert Motions due by 4/15/2009. Pretrial Report due by 6/15/2009. Signed by Honorable Tim Leonard on 10/03/08. (jy,) (Entered: 10/03/2008)
10/03/2008	<u>71</u>	ORDER denying <u>58</u> MOTION to Compel <i>Noticed and Subpoenaed Discovery</i> filed by APMC Inc, <u>55</u> MOTION to Quash <i>Plaintiff's Notices and Subpoenas for Depositions</i> filed by Kelly Shropshire, Lynn Mitchell, as more fully set forth. Signed by Honorable Tim Leonard on 10/03/08. (jy,) (Entered: 10/03/2008)
10/15/2008	<u>72</u>	ENTER ORDER re <u>37</u> MOTION for Preliminary Injunction and Permanent Injunction filed by APMC Inc. Evidentiary Hearing set for 11/18/2008 10:00 AM in Courtroom #502 before Honorable Tim Leonard. Signed by Honorable Tim Leonard on 10/15/08. (jy,) (Entered: 10/15/2008)
10/15/2008	<u>73</u>	NOTICE to Take Deposition of Justin Etchison by APMC Inc. (Strubhar, Rustin) (Entered: 10/15/2008)
10/15/2008	<u>74</u>	NOTICE to Take Deposition of Pam Raisley by APMC Inc. (Attachments: # <u>1</u> Exhibit A - Documents to Produce at Deposition)(Strubhar, Rustin) (Entered: 10/15/2008)
10/15/2008	<u>75</u>	NOTICE to Take Deposition of Amy Trent and Kathy Logan by APMC Inc. (Attachments: # <u>1</u> Exhibit A - Documents to Produce at Deposition)(Strubhar, Rustin) (Entered: 10/15/2008)
10/15/2008	<u>76</u>	NOTICE to Take Deposition of Melissa Clampitt and Natasha Case (AMENDED) by APMC Inc. (Attachments: # <u>1</u> Exhibit A - Documents to Produce at Deposition)(Strubhar, Rustin) (Entered: 10/15/2008)
10/15/2008	<u>77</u>	NOTICE to Take Deposition of Kelly Shropshire, Lynn Mitchell, M.D., and Michael Fogarty (AMENDED) by APMC Inc. (Strubhar, Rustin) (Entered: 10/15/2008)
10/20/2008	<u>78</u>	NOTICE to Take Deposition of Mike Calloway by all defendants. (Bergin, Christopher) (Entered: 10/20/2008)
10/20/2008	<u>79</u>	NOTICE to Take Deposition of Eva Jo Sparks by all defendants. (Bergin, Christopher) (Entered: 10/20/2008)
10/20/2008	<u>80</u>	NOTICE to Take Deposition of Michael Calloway by all defendants. (Bergin, Christopher) (Entered: 10/20/2008)
10/20/2008	<u>81</u>	NOTICE to Take Deposition of Eva Jo Sparks by all defendants. (Bergin, Christopher) (Entered: 10/20/2008)
11/10/2008	<u>82</u>	SECOND MOTION to Compel and for Protective Order and Brief in Support by APMC Inc. (Attachments: # <u>1</u> Exhibit 1 Letter dated 10-20-08, # <u>2</u> Exhibit 2 Email 11-5-08, # <u>3</u> Exhibit 3 Ltr 11-6-08, # <u>4</u> Exhibit 4 Ltr 11-7-08)(Gordon, Kevin) (Entered: 11/10/2008)
11/10/2008	<u>83</u>	ORDER re <u>82</u> SECOND MOTION to Compel and for Protective Order and Brief in Support filed by APMC Inc. Defendants shall file an expedited

		response to Plaintiff's Second Motion to Compel and for Protective Order by close of business on 11/12/08. Signed by Honorable Tim Leonard on 11/10/08. (jy,) (Entered: 11/10/2008)
11/12/2008	<u>84</u>	RESPONSE to Motion re <u>82</u> SECOND MOTION to Compel <i>and for Protective Order and Brief in Support</i> filed by all defendants. (Attachments: # <u>1</u> Exhibit No.1, # <u>2</u> Exhibit No.2, # <u>3</u> Exhibit No.3, # <u>4</u> Exhibit No. 4)(Bergin, Christopher) (Entered: 11/12/2008)
11/13/2008	<u>85</u>	REPLY by Plaintiff APMC Inc re <u>84</u> Response to Motion <i>to Compel</i> filed by APMC Inc. (Attachments: # <u>1</u> Exhibit 1 - Privileged, # <u>2</u> Exhibit 2 Ltr dated 10-23-08)(Gordon, Kevin) (Entered: 11/13/2008)
11/13/2008	<u>86</u>	ORDER REFERRING MOTION: <u>82</u> SECOND MOTION to Compel <i>and for Protective Order and Brief in Support</i> filed by APMC Inc. Motion referred to Valerie K. Couch. Signed by Honorable Tim Leonard on 11/13/08. (jy,) (Entered: 11/13/2008)
11/13/2008	<u>87</u>	ENTER ORDER setting hearing for Friday, 11/14/08 at 2:00 pm on Plf's Second Motion to Compel and for Protective Order. Order entered by direction of Magistrate Judge Valerie K. Couch on 11/13/08. (ch,) (Entered: 11/13/2008)
11/20/2008	<u>88</u>	NOTICE to Take Deposition of Michael Calloway by all defendants. (Bergin, Christopher) (Entered: 11/20/2008)
11/20/2008	<u>89</u>	NOTICE to Take Deposition of Eva Jo Sparks by all defendants. (Bergin, Christopher) (Entered: 11/20/2008)
11/20/2008	<u>90</u>	Hearing held on Plf's Second Motion to Compel and for Protective Order before Magistrate Judge Valerie K. Couch on 11/14/08; Aletia Timmons, Alison Howard, Kevin Gordon and Rustin Strubhar appr on behalf of plf; Chris Bergin and Nicole Nantais appr on behalf of dfts; Court grants in part and denies in part Plf's Second Motion to Compel and denies Plf's Motion for Protective Order. The Court further establishes a schedule for discovery pertinent to the motion. (MORE FULLY SET OUT) (Tape #2:17:50.) (ch,) (Entered: 11/20/2008)
11/20/2008	<u>91</u>	ENTER ORDER that on 11/19/08 the Court held a telephone conference with cnsl at their request to clarify aspects of the Court's rulings on Plf's Second Motion to Compel. As the result of the conference, the Court amends the schedule as follows: 1) the document production and privilege log are due on Friday, 11/21/08; 2) the depositions to be reopened will begin on Monday, 12/1/08 and 3) the depositions of Mr. Calloway nad Ms. Sparks will be taken on Thursday, 12/4/08. Order entered by direction of Magistrate Judge Valerie K. Couch on 11/20/08. (ch,) (Entered: 11/20/2008)
11/21/2008	<u>92</u>	ORDER re <u>37</u> MOTION for Preliminary Injunction <i>and Permanent Injunction</i> filed by APMC Inc. Evidentiary Hearing scheduled to begin on 12/8/2008 10:00 AM in Courtroom #502 before Honorable Tim Leonard and continuing, as necessary, through 12/09/2008. Signed by Honorable Tim Leonard on 11/21/08. (jy,) (Entered: 11/21/2008)

11/24/2008	<u>93</u>	NOTICE to Take Deposition of Christopher Bergin by APMC Inc. (Gordon, Kevin) (Entered: 11/24/2008)
11/24/2008	<u>94</u>	NOTICE (other) by Michael Fogarty(in his official capacity as Chief Executive Officer of the Oklahoma Health Care Authority), Michael Fogarty (in his individual capacity), Lynn Mitchell(MD, in her official capacity as State Medicaid Director), Lynn Mitchell(MD, in her individual capacity), Kelly Shropshire(in his official capacity as Auditor for the Oklahoma Health Care Authority), Kelly Shropshire(in his individual capacity) <i>NOTICE OF CONFLICT</i> (Bergin, Christopher) (Entered: 11/24/2008)
11/26/2008	<u>95</u>	MOTION to Quash by all defendants. (Nantois, Nicole) (Entered: 11/26/2008)
12/01/2008	<u>96</u>	RESPONSE in Opposition re <u>95</u> MOTION to Quash <i>Deposition of Chris Bergin</i> filed by APMC Inc. (Gordon, Kevin) (Entered: 12/01/2008)
12/03/2008	<u>97</u>	ENTER ORDER re <u>37</u> MOTION for Preliminary Injunction and Permanent Injunction filed by APMC Inc. Evidentiary Hearing rescheduled for 12/15/2008 10:00 AM and continuing, as necessary, through 12/16/2008, in Courtroom #502 before Honorable Tim Leonard. Signed by Honorable Tim Leonard on 12/03/08. (jy,) (Entered: 12/03/2008)
12/03/2008	<u>98</u>	ORDER finding as moot <u>95</u> defendants' Motion to Quash. Signed by Honorable Tim Leonard on 12/03/08. (jy,) (Entered: 12/03/2008)
12/11/2008	<u>99</u>	ADMINISTRATIVE CLOSING ORDER: This action is administratively terminated without prejudice to the rights of the parties to reopen for entry of any stipulation or order. If not reopened within 45 days to obtain final determination, action is deemed dismissed with prejudice. Signed by Honorable Tim Leonard on 12/11/08. (jy,) (Entered: 12/11/2008)
01/12/2009	<u>100</u>	ORDER of USCA as to <u>48</u> Notice of Appeal, filed by Kelly Shropshire, Lynn Mitchell; in accordance w/10th Cir R 33.1 and upon consideration of the stipulation of pty's to voluntarily dismiss the appeal, this appeal is dismissed; ea pty will bear its own costs on appeal; a copy of this order will stand as the mandate of the court (ap,) (Entered: 01/14/2009)
01/12/2009	<u>101</u>	MANDATE ISSUED From USCA <u>48</u> Notice of Appeal, filed by Kelly Shropshire, Lynn Mitchell (Attachments: # <u>1</u> Order)(ap,) (Entered: 01/14/2009)
02/04/2009	<u>102</u>	STIPULATION of Dismissal by APMC Inc. (Gordon, Kevin) (Entered: 02/04/2009)

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Transaction Receipt			
08/15/2010 16:16:23			
PACER Login:	dn0424	Client Code:	rr/calloway

Description:	Docket Report	Search Criteria:	5:08-cv-00249-L Start date: 1/1/1970 End date: 8/16/2010
Billable Pages:	9	Cost:	0.72

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

(1) APMC, INC., d/b/a A PLUS MEDICAL OF OKLAHOMA,)
)
)
Plaintiff,)
)
v.)
)
(1) MICHAEL FOGARTY, Chief Executive Officer of the Oklahoma Health Care Authority; (2) LYNN MITCHELL, M.D., State Medicaid Director; (3) KELLY SHROPSHIRE, Auditor for the Oklahoma Health Care Authority, sued in their official and individual capacities,) Case No. 5:08-cv-00249
)
)
)
Defendants.)

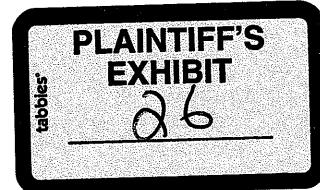
STIPULATION OF DISMISSAL WITH PREJUDICE

All parties in the above-styled lawsuit, Plaintiff APMC, Inc., d/b/a A Plus Medical of Oklahoma, and Defendants Michael Fogarty, Lynn Mitchell, M.D., and Kelly Shropshire, in their individual and official capacities, hereby stipulate to the dismissal with prejudice of the above-styled action, each party to bear his or her own attorney fees and costs.

DATED this 4th day of February, 2009.

s/ Kevin D. Gordon
D. Kent Meyers, OBA #6168
Kevin D. Gordon, OBA #10826
Rustin J. Strubhar, OBA #15850
Alison M. Howard, OBA #19835
CROWE & DUNLEVY, P.C.

s/ Christopher J. Bergin
(Signed by the filing attorney with permission from Christopher J. Bergin)
Christopher J. Bergin, OBA #13897
Nicole Nantais, OBA #16965
Oklahoma Health Care Authority



20 North Broadway, Suite 1800
Oklahoma City, OK 73102-8273
(405) 235-7700
(405) 239-6651 (Facsimile)
kent.meyers@crowedunlevy.com
kevin.gordon@crowedunlevy.com
rustin.strubhar@crowedunlevy.com
alison.howard@crowedunlevy.com

-And-

Aletia Haynes Timmons, OBA #11855
TIMMONS & ASSOCIATES, L.L.C.
527 NW 23rd Street, Suite 200
Oklahoma City, Oklahoma 73103
(405) 602-5393
(405) 602-5390 (Facsimile)
atimmons@coxinet.net

P.O. Drawer 18497
Oklahoma City, OK 73154-0497
(405) 522-7431
(405) 530-3455 (Facsimile)
Christopher.bergin@okhca.org
Nicole.nantais@okhca.org

ATTORNEYS FOR DEFENDANTS
MICHAEL FORGATY, LYNN
MITCHELL, M.D., AND KELLY
SHROPSHIRE

ATTORNEYS FOR PLAINTIFF APMC,
INC. d/b/a A PLUS MEDICAL OF
OKLAHOMA

OFFICE OF THE SECRETARY OF STATE



CERTIFICATE

I, THE UNDERSIGNED, Secretary of State of the State of Oklahoma, do hereby certify that I am, by the laws of said state, the custodian of the records of the state of Oklahoma relating to the right of corporations to transact business in this state and am the proper officer to execute this certificate.

I FURTHER CERTIFY that MEDICAL ENTERPRISES, INC., was granted a charter on the 4th day of August, 1999, a corporation duly organized and existing under and by virtue of the laws of the State of Oklahoma.

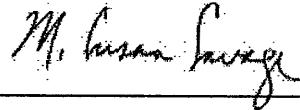
I FURTHER CERTIFY that, MICHAEL CALLOWAY SR whose address is 719 EVERGREEN EDMOND OK 73003 is the registered agent for service of process for said corporation.

I FURTHER CERTIFY that MEDICAL ENTERPRISES, INC., is a Domestic For Profit Business Corporation duly organized and existing under and by virtue of the laws of the state of Oklahoma and is in good standing according to the records of this office. This certificate is not to be construed as an endorsement, recommendation or notice of approval of the entity's financial condition or business activities and practices. Such information is not available from this office.





***IN TESTIMONY WHEREOF, I hereunto set
my hand and affixed the Great Seal of the
State of Oklahoma, done at the City of
Oklahoma City, this 19th, day of August,
2010.***



Secretary Of State

OFFICE OF THE SECRETARY OF STATE



CERTIFIED COPY

I THE UNDERSIGNED, Secretary of State, of the State of Oklahoma do hereby certify that, to the date of this certificate, the attached is a true and correct copy of the document on file as described below of:

NAME OF ENTITY
PREMIER PROVIDERS, LLC

DOCUMENT TYPE
Articles of Organization

DOCUMENT FILING DATE
December 11, 2008

IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the Great Seal of the State of Oklahoma, done at the City of Oklahoma City, this 3rd day of August, 2010.

A handwritten signature in black ink, appearing to read "M. Susan Savage".

Secretary Of State



PLAINTIFF'S
EXHIBIT
28

OFFICE OF THE SECRETARY OF STATE



**CERTIFICATE
OF
LIMITED LIABILITY COMPANY**

WHEREAS, the Articles of Organization of

PREMIER PROVIDERS, LLC

an Oklahoma limited liability company has been filed in the office of the Secretary of State as provided by the laws of the State of Oklahoma.

NOW THEREFORE, I, the undersigned, Secretary of State of the State of Oklahoma, by virtue of the powers vested in me by law, do hereby issue this certificate evidencing such filing.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the Great Seal of the State of Oklahoma.



*Filed in the city of Oklahoma City this
11th day of December, 2008.*

A handwritten signature in black ink, appearing to read "Mary Fallin".

Secretary of State

**ARTICLES OF ORGANIZATION
OF AN
OKLAHOMA LIMITED LIABILITY COMPANY**

TO: OKLAHOMA SECRETARY OF STATE
2300 N Lincoln Blvd., Room 101
State Capitol Building
Oklahoma City, Oklahoma 73105-4897
(405) 521-3912

The undersigned, for the purpose of forming an Oklahoma limited liability company pursuant to the provisions of 18 O.S., Section 2004, does hereby execute the following articles:

I. The name of the limited liability company (Note: The name must contain either the words **limited liability company** or **limited company** or the abbreviations **LLC**, **LC**, **L.L.C.** or **L.C.** The word **limited** may be abbreviated as **Ltd.** and the word **Company** may be abbreviated as **Co.:**):

PREMIER PROVIDERS, LLC

II. The street address of its principal place of business, wherever located:

2801 Coltrane Place, Suite 2, Edmond, OK 73034

III. The name and street address of the resident agent in the state of Oklahoma:

Stephen E. Dyer, 132 N. Ranchwood Blvd., Yukon, OK 73099

IV. The term of existence: **Perpetual**

Articles of organization must be signed by at least one person who need not be a member of the limited liability company.

Dated: December 11, 2008

Signature: 

Type or Print Name: Stephen E. Dyer

Address: 132 N, Ranchwood Blvd., Yukon, OK 73099

12/11/2008 04:25 PM
OKLAHOMA SECRETARY OF STATE



SOS



11025630002

OFFICE OF THE SECRETARY OF STATE



CERTIFIED COPY OF DOCUMENTS ON FILE

I THE UNDERSIGNED, Secretary of State of the State of Oklahoma, do hereby certify that, to the date of this certificate, the attached is a true and correct copy of all documents on file in this office as described below of:

NAME OF ENTITY
VEMAC, LLC

DOCUMENT TYPE
Articles of Organization
Trade Name Report

DOCUMENT FILING DATE
February 05, 2009
February 05, 2009



IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the Great Seal of the State of Oklahoma, done at the City of Oklahoma City, this 3rd day of August, 2010.

A handwritten signature in black ink, appearing to read "M. Lura Savage", is written over a horizontal line.

Secretary Of State



OFFICE OF THE SECRETARY OF STATE



**CERTIFICATE
OF
LIMITED LIABILITY COMPANY**

WHEREAS, the Articles of Organization of

VEMAC, LLC

an Oklahoma limited liability company has been filed in the office of the Secretary of State as provided by the laws of the State of Oklahoma.

NOW THEREFORE, I, the undersigned, Secretary of State of the State of Oklahoma, by virtue of the powers vested in me by law, do hereby issue this certificate evidencing such filing.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the Great Seal of the State of Oklahoma.



*Filed in the city of Oklahoma City this
5th day of February, 2009.*

M. Liza Sauer

Secretary of State

02/05/2009 02:55 PM
OKLAHOMA SECRETARY OF STATE



SOS



11372560004

ARTICLES OF ORGANIZATION OF AN OKLAHOMA LIMITED LIABILITY COMPANY

TO: OKLAHOMA SECRETARY OF STATE
2300 N Lincoln Blvd., Room 101, State Capitol Building
Oklahoma City, Oklahoma 73105-4897
(405) 521-3912

The undersigned, for the purpose of forming an Oklahoma limited liability company pursuant to the provisions of 18 O.S., Section 2004, does hereby execute the following articles:

1. The name of the limited liability company (Note: The name must contain either the words limited liability company or limited company or the abbreviations LLC, LC, L.L.C. or L.C. The word limited may be abbreviated as Ltd. and the word Company may be abbreviated as Co.):

Vemac, LLC

2. The street address of its principal place of business, wherever located:

<u>2801 Coltrane Pl, Suite 2</u>	<u>Edmond</u>	<u>OK</u>	<u>73034</u>
Street address	City	State	Zip Code

3. The name and street address of the resident agent in the state of Oklahoma:

<u>Stephen E. Dyer</u>	<u>2801 Coltrane Pl, Suite 2</u>	<u>Edmond</u>	<u>OK</u>	<u>73034</u>
Name	Street Address	City	State	Zip Code
(P.O. Boxes are <u>not</u> acceptable.)				

4. The term of existence: Perpetual

Articles of organization must be signed by at least one person who need not be a member of the limited liability company.

Dated: 2-5-09

Signature:

Type or Print Name: Stephen E. Dyer

Address: 2801 Coltrane Pl, Suite 2 Edmond, OK 73034

02/05/2009 02:55 PM
OKLAHOMA SECRETARY OF STATE



SOS



11372560005

TRADE NAME REPORT

OKLAHOMA SECRETARY OF STATE
2300 N. Lincoln Blvd., Room 101, State Capitol Building
Oklahoma City, Oklahoma 73105-4897
(405) 522-4560

The undersigned business entity, in order to do business in Oklahoma under a name other than its legal name, hereby submits the following trade name report pursuant to Title 18, Oklahoma Statutes, Section 1140:

1. The trade name under which the business is carried on in Oklahoma is:

Vemac Group

(The trade name must be different than the legal name listed in Item 4 below.)

2. Business is carried on under such trade name at the following address(es):

2801 Coltrane Pl, Suite 2

Edmond, OK 73034

3. A brief description of the kind of business being transacted under such trade name:

Medical equipment sales.

4. The legal name of the "corporation or business entity" doing business under the trade name is:

Vemac, TLC

5. The type of "business entity" filing the trade name report is (check one of the following):

corporation business trust common law trust
 limited liability company unincorporated business partnership

6. The business entity was formed in the state of: Oklahoma

(REVERSE SIDE OF FORM MUST BE SIGNED AND DATED.)

COMPLETE ONLY THE ACKNOWLEDGEMENT WHICH APPLIES TO THE BUSINESS ENTITY FILING THIS TRADE NAME REPORT.

BUSINESS ENTITY ACKNOWLEDGEMENT

I/we, being duly authorized to sign on behalf of the above named business entity, do hereby execute this report on the 5th day of February, 2009.



Signature

Stephen E. Dyer

Type or Print Name

Managing Partner

Title

CORPORATION ACKNOWLEDGMENT

I/we, being duly authorized to sign on behalf of the above named corporation, do hereby execute this report on the _____ day of _____, _____.

by its

President

ATTEST:

by its

Secretary

Tranzact

Tinker FCU

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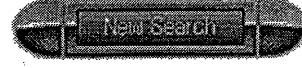
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1255		5/1/2009
PAY TO THE ORDER OF Michael L. and Lillie E. Calloway Rev Tr		\$ **4,000.00
Four Thousand and 00/100		DOLLARS <input checked="" type="checkbox"/>
Michael L. and Lillie E. Calloway Rev Tr PO Box 2031 Edmond, OK 73083		
MEMO	Payment on Purchase	
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*Michael Calloway
Lillie Calloway Dep 54*

5/1/2009
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Total Count 1 Total Amount \$4,000.00



PLAINTIFF'S EXHIBIT
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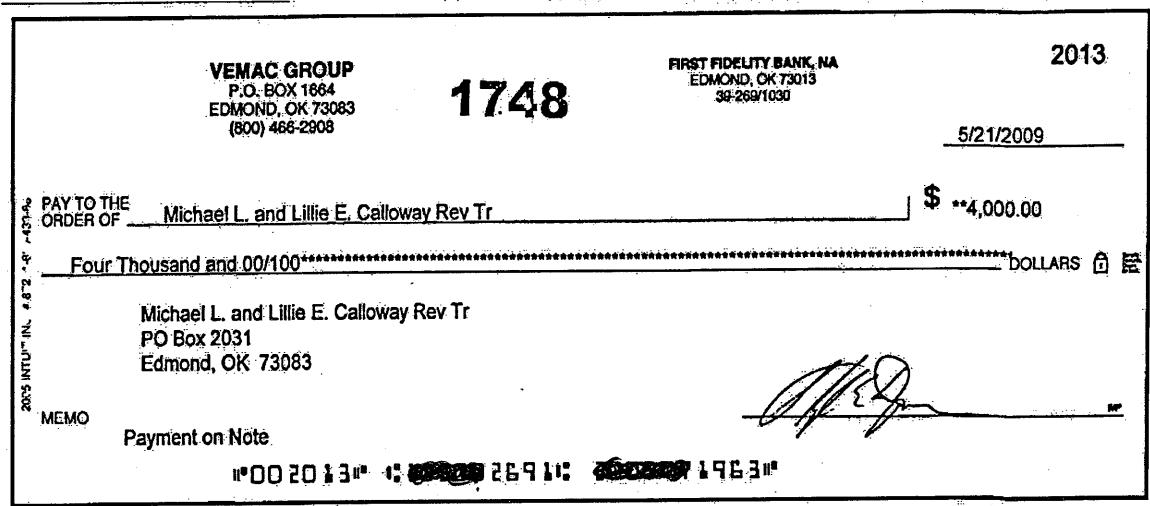
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Don Calloway

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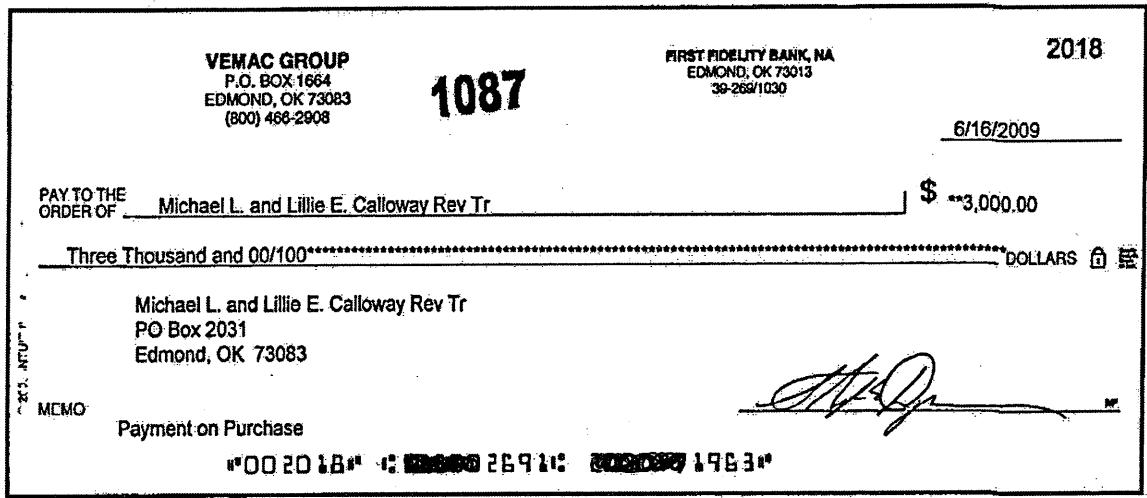
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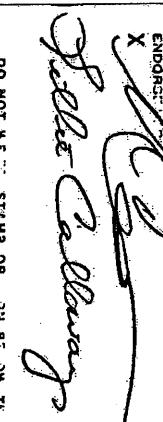
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VEMAC GROUP P.O. BOX 1684 EDMOND, OK 73083 (800) 488-2908	1087	FIRST FIDELITY BANK, NA EDMOND, OK 73013 39-2691030	2019
PAY TO THE ORDER OF Michael L. and Lillie E. Calloway Rev Tr		6/18/2009	
One Thousand and 00/100		\$ **1,000.00	DOLLARS <input checked="" type="checkbox"/>
<p>Michael L. and Lillie E. Calloway Rev Tr PO Box 2031 Edmond, OK 73083</p> <p>MEMO Payment on Purchase of A Plus Assets</p> 			

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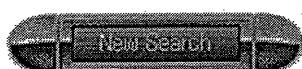
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VEMAC GROUP P.O. BOX 1664 EDMOND, OK 73083 (800) 466-2908	FIRST FIDELITY BANK, NA EDMOND, OK 73013 39-268/1030	2028
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<u>Three Thousand and 00/100</u> DOLLARS <input checked="" type="checkbox"/>		
Michael L. and Lillie E. Calloway Rev Tr PO Box 2031 Edmond, OK 73083		
MEMO Payment on Purchase		
 <u>MO 20 28 10 2691 2009 1963</u>		

7/15/2009
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Michael Calloway &
Michael Calloway
9737 (54)

Total Count	Total Amount
1	\$3,000.00



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**PLAINTIFF'S
EXHIBIT**

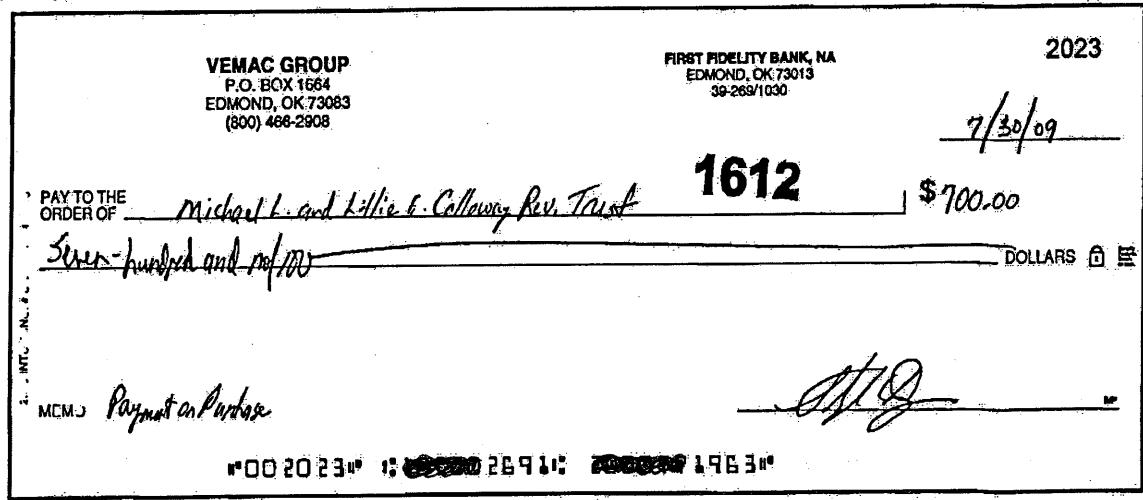
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7/30/2009
1612
6200

hs L. Callaway
Michael L. Callaway

Total Count 1
Total Amount \$700.00

New Search

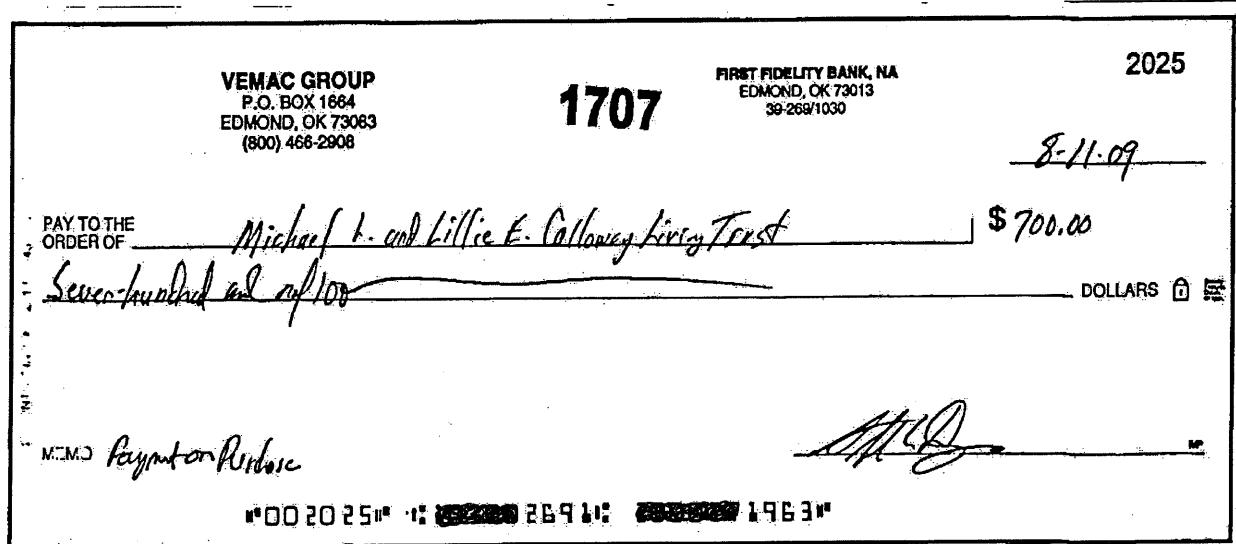
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PLAINTIFF'S EXHIBIT
35



ENDORSED
RECEIVED
Michael L. Galloway
8/13/2009
9737

8/13/2009
1707
6200

Total Count	Total Amount
2	\$1,400.00

New Search

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PLAINTIFF'S
EXHIBIT
36

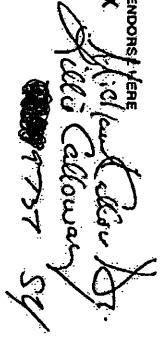
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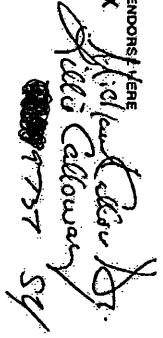
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<input type="button" value="View"/>	08/21/2009	00004044	2051	000071963	0	350.00	6200	1612

VEMAC GROUP P.O. BOX 1664 EDMOND, OK 73083 (800) 468-2908	FIRST FIDELITY BANK, NA EDMOND, OK 73013 39-2891030	2051
1612		8/20/2009
PAY TO THE ORDER OF Michael L. and Lillie E. Calloway Rev Tr	\$ 350.00	
Three Hundred Fifty and 00/100	DOLLARS	<input checked="" type="checkbox"/>
Michael L. and Lillie E. Calloway Rev Tr PO Box 2031 Edmond, OK 73083		
MEMO Payment on Purchase		
#00 2051 10 000026910 000071963#		

8/21/2009	1612	6200	
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Total Count 1
Total Amount \$350.00

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PLAINTIFF'S EXHIBIT
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VEMAC GROUP

Your Multistate Provider of Medical Equipment and
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Home

The Vemac Group is an alliance of provider companies based in the Midwest. Through this alliance of companies, the Vemac Group has created a "one-stop shopping" source for patients with various medical equipment and supply needs. The Vemac Group provides customer support, billing and shipping services for these companies all through one convenient toll-free number. We currently work with state Medicaid, private insurance, and self-pay clients.

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Deposition of Michael L. Calloway, taken on January 21, 2010 in Edmond, Oklahoma
Reported by: Vicki Beeler, CSR

SHEET 1 PAGE 1

1

1 IN THE UNITED STATES BANKRUPTCY COURT
2 FOR THE WESTERN DISTRICT OF OKLAHOMA
3

4 In re:)
5 MICHAEL L. CALLOWAY, SR. and) Case No: 09-16011-BH
6 LILLIE E. CALLOWAY,) Chapter 7
7)
8 Debtors.)

 COPY

9 RULE 2004 EXAM OF MICHAEL L. CALLOWAY, SR.
10 TAKEN ON JANUARY 21, 2010 BEGINNING AT 9:33 A.M.
11 IN EDMOND, OKLAHOMA

12 APPEARANCES

13 On behalf of the CREDITOR RED RIVER ROOFING:
14 DAVID L. NUNN
15 David L. Nunn, P.C.
16 17 East First Street
17 Edmond, Oklahoma 73083
18 (405) 330-4053

19 On behalf of the DEBTORS:

20 JERRY D. BROWN
21 Jerry D. Brown, P.C.
22 One Western Plaza
23 5500 North Western, Suite 150
24 Oklahoma City, Oklahoma 73118
25 (405) 841-1000

26 ALSO APPEARING:
27 STEVE COLLYAR

28 REPORTED BY: VICKI BEELER, CSR



Vicki Beeler, CSR

2521 Northwest 58th Place - Oklahoma City, Oklahoma 73112
Phone: (405)840-6060 Cell: 405-317-2412 Email: vbeeler@gmail.com

Deposition of Michael L. Calloway, taken on January 21, 2010 in Edmond, Oklahoma
Reported by: Vicki Beeler, CSR

SHEET 2 PAGE 2

PAGE 4

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1 MICHAEL L. CALLOWAY, SR.,
 2 having been duly sworn, testified as follows:
 3 DIRECT EXAMINATION
 4 BY MR. NUNN:
 5 Q. Just for the record, we are here on the
 6 Michael L. Calloway, Sr. and Lillie E. Calloway
 7 Bankruptcy Chapter 7, Case Number 09-16011-BH. It's
 8 in the United States Bankruptcy Court for the
 9 Western District of Oklahoma. Mr. Calloway appeared
 10 pursuant to the Court Order which I have marked as
 11 Exhibit 1 and provided to the court reporter and
 12 counsel.
 13 Mr. Calloway, would you state your full name for
 14 the record, please?
 15 A. Michael Lynn Calloway, Senior.
 16 Q. What is your address?
 17 A. 19445 Sportsmans Road in Edmond, Oklahoma.
 18 Q. Do you own that home, that Sportsmans Road
 19 home?
 20 A. Yes.
 21 Q. Do you own that with your wife Lillie
 22 Calloway?
 23 A. Yes.
 24 Q. Tell me when did you acquire that home?
 25 A. I believe in 2000.

PAGE 3

PAGE 5

5

1 STIPULATIONS
 2 It is hereby stipulated and agreed by and
 3 between the parties hereto, through their respective
 4 attorneys, that the deposition of MICHAEL L.
 5 CALLOWAY, SR. may be taken on behalf of the Creditor
 6 Red River Roofing, on January 21, 2010 in the City
 7 of Edmond, Oklahoma by Vicki Beeler, Certified
 8 Shorthand Reporter within and for the State of
 9 Oklahoma, taken by notice pursuant to the Order of
 10 the Court.

11 It is further stipulated and agreed by and
 12 between the parties hereto, through their respective
 13 attorneys, that all objections, except as to the
 14 form of the question and the responsiveness of the
 15 answer, are reserved until the time of trial, at
 16 which time they may be made with the same force and
 17 effect as if made at the time of the taking of this
 18 deposition.

1 Q. Did you have it built?
 2 A. Yes, I did.
 3 Q. Is it a custom built home?
 4 A. Yes.
 5 Q. How many square feet is that house?
 6 A. I have no idea.
 7 Q. How many rooms -- how many bedrooms does it
 8 have?
 9 A. Four.
 10 Q. How many bathrooms?
 11 A. Four and a half.
 12 Q. How many cars does the garage hold?
 13 A. Three.
 14 Q. Does Bank Of America hold the mortgage on
 15 your Sportsmans Road home?
 16 A. Yes.
 17 Q. Did you acquire -- obtain that mortgage
 18 from Bank Of America in October of 2008?
 19 A. I don't know.
 20 Q. Okay. There is a mortgage on that property
 21 at Book 10881, Page 667 that was filed on or about
 22 August 11, 2008. It's for \$350,000. Does that
 23 refresh your memory? Was that loan obtained in
 24 2008?
 25 A. Let me see what are you are talking about.

Vicki Beeler, CSR

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Deposition of Michael L. Calloway, taken on January 21, 2010 in Edmond, Oklahoma
Reported by: Vicki Beeler, CSR

SHEET 21 PAGE 78

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1 Can you tell me one name and address and phone
 2 number of a person that you have done a home repair
 3 job for or cut the grass for? Even one?
 4 A. Yes.
 5 Q. Tell me.
 6 A. John Gillespie.
 7 Q. John Gillespie. Do you have his phone
 8 number?
 9 A. No.
 10 Q. Where does he live?
 11 A. In my neighborhood.
 12 Q. What did you go for Mr. Gillespie?
 13 A. Cut grass.
 14 Q. Okay. How many times did you cut his
 15 grass?
 16 A. I don't know.
 17 Q. Did you cut it a whole lot?
 18 A. Yeah.
 19 Q. Who else did you work for?
 20 A. You told me give you one.
 21 Q. Sir, I am asking you to tell me in the last
 22 60 days who you have performed odd jobs for that you
 23 can afford these payments?
 24 A. Lot of people I don't know, sir. I just
 25 get referred and I go do the work.

1 compensation going to last?
 2 A. I don't know. Ask the government.
 3 Q. Do you have any assets or income -- let me
 4 rephrase that. Have you accurately disclosed all of
 5 your assets, all of your debts and all of your
 6 income as it existed on the date of bankruptcy?
 7 A. Yes.
 8 Q. Were you doing odd jobs -- you said you had
 9 been doing odd jobs for the last how long?
 10 A. All my life.
 11 Q. All your life. Are those odd jobs, is the
 12 income from those odd jobs listed in your schedules?
 13 Is it showing up in those indebtedness -- sorry --
 14 in those amounts that you have got listed in your
 15 Statement of Financial Affairs?
 16 A. No, because it's not income.
 17 Q. Why is it not income, Mr. Calloway?
 18 A. Because it's odd jobs.
 19 Q. You don't consider odd jobs income?
 20 A. I do now because that is my only income.
 21 Q. Are you making about \$2,500 a month or more
 22 doing odd jobs?
 23 A. I don't exactly know what I am making. I
 24 just make enough to know what to do, and I pay my
 25 bills.

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1 Q. Do you have checks from them?
 2 A. No, they pay me cash.
 3 Q. Do you work full time for Market Force?
 4 A. There is not a full time job. They don't
 5 have full time employment.
 6 Q. So your testimony -- Mr. Calloway, are you
 7 testifying under oath that you make up a \$2,500 per
 8 month shortfall just in your car payments and house
 9 payments, that you make up that shortfall by doing
 10 odd jobs like mowing and home repair?
 11 A. Been doing it for 20 years.
 12 Q. But you don't have any checks to prove
 13 that?
 14 A. Correct.
 15 Q. Because people just pay you cash?
 16 A. Except for Mr. Gillespie. He paid me
 17 checks.
 18 Q. How many was the last check Mr. Gillespie
 19 paid you?
 20 A. I don't know. You have to ask him.
 21 Q. You don't know that either. When is the
 22 last time you wrote a tuition check to St. Leo's in
 23 Florida? You don't remember?
 24 A. Nope.
 25 Q. How much longer is your wife's unemployment

1 Q. You know you are paying your bills, you
 2 know you are paying this \$5,400 a month on your
 3 house and your car payments from doing -- you are
 4 making that up by doing odd jobs, aren't you?
 5 A. Yes.
 6 Q. And you have been doing odd jobs for the
 7 last 20 years, right?
 8 A. That is the way I was raised.
 9 Q. Okay. Do you have that income disclosed in
 10 your Statement of Financial Affairs?
 11 A. No.
 12 Q. So this \$12,076 year to date business
 13 income, does that reflect your odd job income?
 14 A. For the last 20 years? No.
 15 Q. Is it reflected for the last -- for 2009?
 16 A. If that is the income I put down there,
 17 yes.
 18 Q. Mr. Calloway, my question is, you have got
 19 listed in your Statement of Financial Affairs, you
 20 have got listed year to date debtor employment
 21 business income \$12,076 and your spouse's employment
 22 business income of 3,933.91. Does that include your
 23 odd job income?
 24 A. If that is what is listed at the time, that
 25 is all I had, that is what I listed.

Vicki Beeler, CSR

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Deposition of Michael L. Calloway, taken on January 21, 2010 in Edmond, Oklahoma
Reported by: Vicki Beeler, CSR

SHEET 25 PAGE 94

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1 That is true. If any of those aren't true, I could
 2 change it. But that answer to your question,
 3 everything I said I don't know, means exactly what I
 4 said, I don't know.

5 Q. So you have told me the truth here today?

6 A. How many times do I have to tell you that?
 7 Do you want me to tell you again?

8 Q. Yes.

9 A. Yes. Yes, sir.

10 Q. Thank you.

11 A. You're welcome.

12 Q. Okay. Mr. Calloway, do you have a
 13 business -- do you have any kind of relationship
 14 with a company called VEMAC, V-E-M-A-C, LLC?

15 A. No.

16 Q. Have you ever had any kind of relationship
 17 with VEMAC, LLC?

18 A. Yes.

19 Q. What was the relationship?

20 A. They purchased all of my assets from A Plus
 21 Medical.

22 Q. Why?

23 A. Because they needed it. That is why.

24 Q. Why didn't A Plus Medical need it?

25 A. Because I went out of business. Don't that

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1 make sense?

2 Q. And VEMAC, LLC are they still doing
 3 business?

4 A. You got to ask them.

5 Q. I am asking you. Do you know if they are
 6 still doing business?

7 A. No, I don't know.

8 Q. Were they doing business at the time you
 9 sold them the items that you disclosed that you sold
 10 them?

11 A. Yes.

12 Q. And where were they officing at?

13 A. I don't know where they were officing at.
 14 When they acquired my assets they acquired my office
 15 space.

16 Q. And that was at 2801 Coltrane Place?

17 A. Yes.

18 Q. So VEMAC acquired your -- you said your
 19 assets. What assets did they acquire?

20 A. Everything I owned.

21 Q. What was that?

22 A. They have all that.

23 Q. Well, I am asking you, sir, what did you
 24 sell -- did A Plus Medical of Oklahoma, Inc. sell or
 25 transfer assets to VEMAC, LLC?

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96

1 A. Yes.

2 Q. What did they transfer?

3 A. Everything we owned.

4 Q. What did it own?

5 A. All the inventory. Everything the business
 6 owned.

7 Q. How much was the inventory?

8 A. I don't know.

9 Q. Did they transfer their equipment?

10 A. Everything that we owned.

11 Q. Okay. Can you tell me what those -- what
 12 the items transferred were?

13 A. No.

14 Q. Can you tell me what the dollar amount of
 15 the transfer was?

16 A. No.

17 Q. Now, Mr. Calloway, you surely know -- did
 18 you get any money for it?

19 A. No.

20 Q. So you don't -- you don't know the dollar
 21 amount of the stuff that A Plus Medical of Oklahoma,
 22 Inc. transferred to VEMAC, LLC, you don't know what
 23 the value of that stuff was?

24 A. Correct.

25 Q. And you got nothing for it?

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1 A. Correct.

2 Q. And VEMAC, LLC acquired your office space
 3 of A Plus Medical Care of Oklahoma, Inc. at 2801
 4 Coltrane Place?

5 A. Are you asking me that question?

6 Q. Yes.

7 A. Yes.

8 Q. Are you an owner of some interest in VEMAC,
 9 LLC?

10 A. As I answered three, four hours ago, I own
 11 nothing.

12 Q. Who owns VEMAC, LLC?

13 A. You got to look that up.

14 Q. Does Steven Dyer own it?

15 A. I don't know who owns it.

16 Q. Okay. Your Statement of Financial Affairs
 17 Item 10 says that in January of 2009 you transferred
 18 medical supply inventory, computers, furniture and
 19 fixtures to VEMAC, LLC. And you said that the
 20 property value was zero and the value received was
 21 zero. Is that an accurate statement?

22 A. Is that what you have on that paper?

23 Q. Yes, sir, that is what is in your Statement
 24 of Financial Affairs.

25 A. Then at that time, it was accurate, yes, it

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SHEET 26 PAGE 98

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1 is.
 2 Q. You can't tell me what the medical supply
 3 inventory, computers, furniture and fixtures were?
 4 A. Yes, I can tell you.
 5 Q. What were they?
 6 A. Medical supplies, furniture and fixtures.
 7 Q. Were they worth zero?
 8 A. That is what you have.
 9 Q. I am asking you what they were worth, sir.
 10 A. That is what they were worth. If that is
 11 what is on the paper, that is accurate. I'm not
 12 going to change it.
 13 Q. Did you know VEMAC, LLC prior to the
 14 transfer?
 15 A. No, I didn't.
 16 Q. You had never heard of them before the
 17 transfer?
 18 A. No.
 19 Q. Why, sir, would A Plus Medical of Oklahoma,
 20 Inc. give medical supply inventory, computers,
 21 furniture and fixtures, why would it give it away to
 22 an LLC that it does not know?
 23 A. Because I own the company. That is my
 24 business, and I can do what I want to do with it.
 25 Q. And VEMAC did not pay you any money for the

1 I can tell you the amount. I don't know.
 2 Q. Are you still doing work for VEMAC, LLC
 3 today?
 4 A. No.
 5 Q. When is the last time they paid you money?
 6 A. I don't know.
 7 Q. Truly don't know?
 8 A. Well, the truth is the truth. I don't
 9 know.
 10 Q. Now, do you own a company called Medical
 11 Enterprises, Inc.?
 12 A. No.
 13 Q. Have you ever heard of Medical Enterprises,
 14 Inc.?
 15 A. Yes.
 16 Q. In fact, you incorporated that company in
 17 1999, didn't you?
 18 A. I don't know what year.
 19 Q. But you did incorporate that company?
 20 A. Yes.
 21 Q. Who is Ricardo B. Madison?
 22 A. That is an associate I knew years ago.
 23 Q. Well, who owns Medical Enterprises, Inc.?
 24 A. Nobody.
 25 Q. How is that possible, sir?

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99

10

1 transfer? Did not pay A Plus Medical of Oklahoma
 2 for any of the transferred items?
 3 A. For the third time, you are reading it on
 4 the paper. It says no. How many more times do I
 5 need to answer that?
 6 Q. Have you ever been paid any money at any
 7 time in the past from VEMAC, LLC?
 8 A. Yes.
 9 Q. When?
 10 A. I don't know.
 11 Q. What was the amount that they paid?
 12 A. I don't know.
 13 Q. Was it after the transfer?
 14 A. Yes.
 15 Q. What was the money paid for?
 16 A. Well, for consulting. They needed
 17 assistance with clientele.
 18 Q. Okay. How much did they pay you in
 19 consulting fees?
 20 A. I don't know.
 21 Q. Did you list that income in your Statement
 22 of Financial Affairs as well?
 23 A. Yep.
 24 Q. But you can't tell me the amount?
 25 A. I am saying it again. I don't know. Yes,

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1 A. Because it's closed.
 2 Q. Well, when were they closed?
 3 A. I don't know.
 4 Q. Well, they were recently reinstated by the
 5 Secretary of State on June 23, 2008.
 6 A. Is my name on it?
 7 Q. That is what I am asking you, sir. Do you
 8 own that company?
 9 A. Is my name on it?
 10 Q. Sir, answer my question. Do you own
 11 Medical Enterprises, Inc.?
 12 A. I told you no.
 13 Q. Have you ever owned Medical Enterprises,
 14 Inc.?
 15 A. Yes, I did.
 16 MR. NUNN: Counselor, I think your client
 17 is being cagey with his answers.
 18 THE WITNESS: I am just answering the
 19 questions.
 20 BY MR. NUNN:
 21 Q. When did you own Medical Enterprises, Inc.?
 22 A. Years ago.
 23 Q. When did you cease to own an interest in
 24 Medical Enterprises, Inc.?
 25 A. I don't know the exact year, sir.

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Reported by: Vicki Beeler, CSR

SHEET 27 PAGE 102

1 Q. Was anybody else a co-owner with you?
 2 A. I don't know. Could have been my wife. I
 3 don't know.
 4 Q. Is there anybody else that you are aware of
 5 that might have owned an interest in Medical
 6 Enterprises, Inc.?
 7 A. No, sir.
 8 Q. Did you cease to be an owner of Medical
 9 Enterprises, Inc.?
 10 A. What do you mean by ceased?
 11 Q. Do you own today, do you own an interest in
 12 Medical Enterprises, Inc.?
 13 A. I own nothing today, sir.
 14 Q. When did you cease to be an owner of
 15 Medical Enterprises, Inc.?
 16 A. For the fourth time, I don't know.
 17 Q. But you know that you don't own an interest
 18 today?
 19 A. Yes.
 20 Q. How did they get reinstated by the
 21 Secretary of State on June 23, 2008?
 22 A. You got to ask the Secretary of State. I
 23 don't know.
 24 Q. How do you know that you don't still own an
 25 interest in Medical Enterprises, Inc.?

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1 Q. Have you ever owned an interest in that
 2 company?
 3 A. Yes.
 4 Q. When?
 5 A. I don't know.
 6 Q. Can you tell me when you ceased to be an
 7 owner of that company?
 8 A. I can't tell you that exact date either.
 9 Q. Can you tell me why you ceased to be an
 10 owner of that company?
 11 A. No income. Just like any other business.
 12 Q. Can you tell me why that company is still
 13 active?
 14 A. Nope. You got to ask the Secretary of
 15 State.
 16 Q. Do you have any documents that would show a
 17 transfer of your stock or ownership interest in
 18 Medical Enterprises, Inc. or the Next Level Sports
 19 Management, Inc.?
 20 A. No, I don't have anything.
 21 Q. Did you transfer your -- the ownership
 22 interest in Medical Enterprises, Inc. and the Next
 23 Level Sports Management, Inc. that you say you don't
 24 remember when you owned it, do you have any
 25 documents that would show when you transferred your

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10

1 A. I am an adult. I know what I own.
 2 Q. But you can't tell me the date you ceased
 3 to be an owner?
 4 A. Yes, I told you the date.
 5 Q. What was the date?
 6 A. I don't know.
 7 Q. Can you tell me why you ceased to be an
 8 owner?
 9 A. Yeah.
 10 Q. Why?
 11 A. It's out of business.
 12 Q. Who reinstated it in June of '08?
 13 A. You got to ask the Secretary of State. I
 14 just told you that. I didn't.
 15 Q. Do you own a company called the Next Level
 16 Sports Management, Inc.?
 17 A. Nope.
 18 Q. Are you aware that you are listed as the
 19 service agent for that company?
 20 A. Yes.
 21 Q. Okay. What is your relationship with the
 22 Next Level Sports Management, Inc.?
 23 A. Nothing.
 24 Q. Do you own an interest in that company?
 25 A. No.

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10

1 interest?
 2 A. First of all, I never said I transferred
 3 any interest, to answer your question.
 4 Q. Sir, if you owned it but don't now own it,
 5 and they are active companies, where did that
 6 interest go?
 7 A. It's closed. I didn't say I transferred
 8 anything. You did.
 9 Q. Sir, look at your Statement of Financial
 10 Affairs.
 11 A. Which one?
 12 Q. Exhibit Number 5. You were asked on
 13 Item 18(a) to list all companies or LLCs or
 14 partnerships that you held an interest in within the
 15 last six years.
 16 A. Where?
 17 Q. Item 18.
 18 A. What page?
 19 Q. At the top it says 41 of 65.
 20 A. Okay. Where is the number? 19. Okay.
 21 Q. Did you accurately complete this question,
 22 fill out the information required of this question?
 23 A. Yes. To the best of my knowledge, yes.
 24 Q. But you didn't list the Next Level Sports
 25 Management, Inc. and you didn't list Medical

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SHEET 31 PAGE 118

1 MR. BROWN: Oh, yes.
 2 (DEPOSITION CONCLUDED AT 12:41 P.M.)
 3 JURAT
 4 STATE OF OKLAHOMA
 5 SS
 6 COUNTY OF OKLAHOMA
 7 I, MICHAEL L. CALLOWAY, SR. do hereby state
 8 under oath that that I have read the above and
 9 foregoing deposition in its entirety, and that the
 10 same is a full, true and correct transcription of my
 11 testimony so given at said time and place, except
 12 for the corrections noted.
 13
 14 MICHAEL L. CALLOWAY, SR.
 15
 16 Subscribed and sworn to before me, the
 17 undersigned Notary Public in and for the State of
 18 Oklahoma on this, the _____ day of
 19 _____, 2010.
 20
 21 Notary Public _____
 22
 23 My Commission Expires: _____
 24
 25

PAGE 120

ERRATA SHEET

1 RULE 2004 EXAM OF MICHAEL L. CALLOWAY, SR.
 2 DATE TAKEN: January 21, 2010
 3 REPORTER: Vicki Beeler, CSR
 4 NO CORRECTIONS ARE NECESSARY
 5 PAGE LINE CORRECTION
 6
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PAGE 119

11 CERTIFICATE
 1 STATE OF OKLAHOMA
 2 SS
 3 OKLAHOMA COUNTY
 4 I, Vicki Beeler, Certified Shorthand
 5 Reporter, do hereby certify that the above named
 6 MICHAEL L. CALLOWAY, SR. was by me first duly sworn
 7 to testify the truth, the whole truth, and nothing
 8 but the truth in the case aforesaid; that the above
 9 and foregoing Rule 2004 Exam was by me taken in
 10 shorthand and thereafter transcribed; that the same
 11 is true and correct; and that it was taken on the
 12 21st day of January, 2010 at the time of 9:33 a.m.
 13 in the City of Edmond, County of Oklahoma, State of
 14 Oklahoma under the stipulations hereinbefore set
 15 out, and that I am not attorney for or relative of
 16 any of said parties or otherwise interested in the
 17 event of said action.
 18 IN WITNESS WHEREOF, I have hereunto set my
 19 hand and official seal this 25th day of January,
 20 2010.
 21
 22 VICKI BEELER, CSR
 23 State of Oklahoma, No. 00120
 24
 25

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12 MEMORANDUM
 1 TO: MR. DAVID L. NUNN
 2 David L. Nunn, P.C.
 3 17 East First Street
 4 Edmond, Oklahoma 73034
 5 FROM: VICKI BEELER, CSR
 6 2521 Northwest 58th Place
 7 Oklahoma City, Oklahoma 73112
 8 (405) 840-6060
 9 DATE: January 25, 2010
 10 Please have MICHAEL L. CALLOWAY, SR. read
 11 your copy of his deposition taken on January 21,
 12 2010 in the above-styled case and sign the jurat
 13 page before a notary public. Also, make any needed
 14 corrections on the enclosed errata sheet and not
 15 directly on the transcript.
 16 You have 30 days to return the jurat page
 17 and the correction page to the above address, after
 18 which the deposition will be sealed and forwarded to
 19 the attorney who took the deposition for use in the
 20 case without the jurat page or the corrections being
 21 attached to the original deposition.
 22 Thank you for your attention and
 23 cooperation in this matter.
 24
 25

Vicki Beeler, CSR

2521 Northwest 58th Place - Oklahoma City, Oklahoma 73112
Phone: (405)840-6060 Cell: 405-317-2412 Email: vbeeler@gmail.com